

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

BILLY M. LAUDERDALE

PLAINTIFF

VS.

CAUSE NO.: 1:20cv83-JMV

**KILOLO KIJAKAZI,
Acting Commissioner of Social Security¹**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [24] for attorney fees and costs pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, and Defendant's response [25]. For the reasons set out below, Plaintiff's motion is granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying claims for benefits. By a final judgment [23] dated April 29, 2021, this Court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks an award of \$7,225.61 in attorney fees on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not "substantially justified." Plaintiff further seeks \$400.00 as reimbursement for costs. The Acting Commissioner does not object to the fees requested. The Acting Commissioner further submits, and the Court agrees, the \$400.00 award for costs should be paid from the Judgment Fund and the total EAJA award should be made payable to Plaintiff. Ultimately, the Court finds the requested award is reasonable; and no special circumstance would make the award unjust.

THEREFORE, IT IS ORDERED:

¹ The Clerk is directed to amend the record to reflect substitution of the current Acting Commissioner of the Social Security Administration in the place of Andrew Saul.

That Plaintiff's motion for EAJA fees [24] is granted, and the Acting Commissioner shall promptly pay to Plaintiff, for the benefit of his counsel, a total of \$7,225.61 in attorney fees.

Plaintiff shall also be promptly reimbursed \$400.00 in costs from the Judgment Fund.

This 5th day of August, 2021.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE